

PHILLIP A. TALBERT  
Acting United States Attorney  
CHRISTOPHER S. HALES  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MATTHEW M. PIERCEY,  
  
Defendant.

CASE NO. 2:20-CR-0211-TLN

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: August 18, 2022  
TIME: 9:30 a.m.  
COURT: Hon. Troy L. Nunley

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 18, 2022.
2. By this stipulation, defendant now moves to continue the status conference until November 10, 2022 at 9:30 A.M., and to exclude time between August 18, 2022, and November 10, 2022 at 9:30 A.M., under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has produced over 260,000 pages of bates-stamped discovery, including investigative reports, bank and financial records, phone records, emails, and related documents in electronic form. The government has also made additional discovery available for inspection and copying and has provided copies of eleven electronic devices to defense counsel

1 containing approximately 3 terabytes of data. In addition, the government executed a post-  
2 indictment search warrant on a storage locker and has made the materials seized in that warrant  
3 available to the defense for inspection and copying, including numerous electronic devices  
4 totaling over 10 terabytes of data. The government has also recently provided defense counsel  
5 with an index to assist with the defense's ongoing review of extensive bank records included in  
6 the Bates-stamped discovery.

7 b) Counsel for defendant desires additional time to consult with his client, review the  
8 current charges, conduct investigation and research related to the charges, to and continue to  
9 review the over 260,000 pages of discovery and terabytes of data made available by the  
10 government, to review and copy discovery for this matter, to discuss potential resolutions with  
11 his client, and to otherwise prepare for trial. Specifically, among other things, defendant  
12 continues to review the extensive discovery in this case with the assistance of a paralegal.

13 c) Counsel for defendant believes that failure to grant the above-requested  
14 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
15 into account the exercise of due diligence.

16 d) The government does not object to the continuance.

17 e) Based on the above-stated findings, the ends of justice served by continuing the  
18 case as requested outweigh the interest of the public and the defendant in a trial within the  
19 original date prescribed by the Speedy Trial Act.

20 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
21 et seq., within which trial must commence, the time period of August 18, 2022 to November 10,  
22 2022 at 9:30 A.M., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)  
23 [Local Code T4] because it results from a continuance granted by the Court at defendant's  
24 request on the basis of the Court's finding that the ends of justice served by taking such action  
25 outweigh the best interest of the public and the defendant in a speedy trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
28 must commence.

1 IT IS SO STIPULATED.

2  
3  
4 Dated: August 16, 2022

PHILLIP A. TALBERT  
United States Attorney

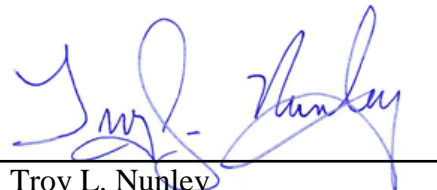
5  
6 /s/ CHRISTOPHER S. HALES  
CHRISTOPHER S. HALES  
Assistant United States Attorney

7  
8  
9 Dated: August 16, 2022

/s/ DAVID FISCHER  
DAVID FISCHER  
Counsel for Defendant  
MATTHEW M. PIERCEY

10  
11  
12  
13 **FINDINGS AND ORDER**

14 IT IS SO FOUND AND ORDERED this 16th day of August, 2022.

15  
16  
17  
18  
19  
20   
Troy L. Nunley  
United States District Judge